

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARC ANTONIO SANDOVAL-CARRASCO,

Petitioner,

v.

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CIVIL ACTION NO. 1:07CV145  
(Judge Keeley)

JOE D. DRIVER,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 25, 2007, pro se petitioner, Marc Antonio Sandoval-Carrasco, ("Sandoval-Carrasco") filed a petition pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a Report and Recommendation ("R&R") in accordance with Local Rule of Prisoner Litigation 83.09. On April 25, 2008, Magistrate Judge Seibert issued an R&R recommending that this Court grant the respondent's motion to dismiss, deny Sandoval-Carrasco's petition, and dismiss the case with prejudice. The R&R also specifically warned that failure to object to it would result in the waiver of any appellate rights on this issue. Nevertheless, Sandoval-Carrasco failed to file any objections.<sup>1</sup>

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 12), **GRANTS** the defendants' motion to

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<sup>1</sup> Sandoval-Carrasco's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

**ORDER ADOPTING REPORT AND RECOMMENDATION**

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dismiss (dkt. no. 6), and **DISMISSES** this case **WITH PREJUDICE**. The Clerk is ordered to **STRIKE** this case from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested, and to transmit copies of this Order to counsel of record.

Dated: June 17, 2008.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE